

Agenda

REVISED



Tempe City Council

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Harry E. Mitchell Government Center

Municipal Building

Council Chambers

31 East Fifth Street

7:30 P.M.

The City of Tempe endeavors to make all public meetings accessible to persons with disabilities. With 48 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call (480) 350-8241 (voice) or (480) 350-8400 (TDD) to request an accommodation to participate in the City Council meeting.

March 25, 2004

1. **INVOCATION – Councilmember Arredondo**
2. **PLEDGE OF ALLEGIANCE**
3. **MINUTES – Vice Mayor Carter**
 - A. Approval of Council Meeting Minutes
 1. Council Executive Session – January 8 & 15, February 5 & 19, 2004
 2. Council Issue Review Session – February 19 & 26, 2004 [20040325clrkck03.pdf](#)
[20040325clrkck04.pdf](#)
 3. Council Formal Meeting Minutes – February 19 & 26, 2004 [20040325clrkck01.pdf](#)
[20040325clrkck02.pdf](#)
 4. Council Cultural & Community Programs Committee – February 24, 2004
[20040325ccp01.pdf](#)
 5. Council Neighborhood Enhancement & People Improvement Program Committee – November 17, 2003 [20040325nepip01.pdf](#)
 - B. Acceptance of Board & Commission Meeting Minutes
 6. Bicycle Advisory Committee – February 5, 2004 [20040325bac01.pdf](#)
 7. Board of Adjustment – January 38, 2004 [20040325boa01.pdf](#)
 8. Community Special Events Task Force – February 17 & March 2, 2004
[20040325setf01.pdf](#) [20040325setf02.pdf](#)
 9. Disability Concerns – February 17, 2004 [20040325dc01.pdf](#)
 10. Disability Concerns, Committee on Architectural Accessibility – December 2, 2003
[20040325dc02.pdf](#)
 11. East Valley Historic Preservation Coalition – February 24, 2004 [20040325hpc02.pdf](#)
 12. Enhanced Services Commission – January 21, 2004 [20040325esc01.pdf](#)
 13. Golf Committee – January 7, 2004 [20040325csmr01.pdf](#)
 14. Hearing Officer – February 17, March 2 & 16, 2004 [20040325ho01.pdf](#)
[20040325ho02.pdf](#) [20040325ho03.pdf](#)
 15. Historic Preservation Commission – February 5, 2004 [20040325hpc01.pdf](#)
 16. Judicial Advisory Board – February 18, 2004 [20040325jab01.pdf](#)

- [20040325jab02.pdf](#)
17. Library Advisory Board – January 5, 2004 [20040325lab01.pdf](#)
 18. Mayor's Committee on Prevention & Community Resources – January 26, 2004
[20040325cpcr01.pdf](#)
 19. Mayor's Youth Advisory Commission – February 17, 2004 [20040325myac01.pdf](#)
 20. Municipal Arts Commission – December 10, 2003 & February 11, 2004
[20040325mac01.pdf](#) [20040325mac02.pdf](#)
 21. Neighborhood Advisory Commission – January 7, 2004 [20040325nac01.pdf](#)
 22. Parks & Recreation Board – November 18, 2003 [20040325csmr02.pdf](#)
 23. Planning and Zoning Commission – December 6 & 9, 2003
[20040325paz01.pdf](#) [20040325paz02.pdf](#)
 24. Rio Salado Advisory Commission – January 27, 2004 [20040325rsac01.pdf](#)
 25. Tempe Employees Council – December 4, 2003; January 8, February 5 &
March 4, 2004 [20040325tec01.pdf](#) [20040325tec02.pdf](#) [20040325tec03.pdf](#)
[20040325tec04.pdf](#)

4. REPORTS AND ANNOUNCEMENTS

A. Mayor's Announcements

- Tempe Garden Club Proclamation and Check Presentation
- NCCJ Walk-As-One Presentation
- Kiwanis 4th of July Check Presentation
- *LULAC Presentations*
- Board and Commission Appointments [20040325boards.pdf](#)

B. Manager's Announcements

5. CONSENT AGENDA

All items listed on the consent agenda will be considered as a group by the City Council and will be enacted with one motion. There will be no discussion of these items unless a Councilmember removes an item for consideration or a Citizen requests a public hearing item be removed. Public hearing items are designated by an asterisk (*). Items scheduled for a first hearing will be heard but not adopted at this meeting.

'q-j' denotes an item as quasi-judicial. The City Council sits as a quasi-judicial body when hearing variances. Courts have ruled that when sitting as a quasi-judicial body, the Council must conduct itself as a court and not as a legislative body. This means any materials or conversations concerning the variance can only be presented to the Council at the public hearing scheduled for the Council meeting. Pre-meeting contact with the Council on quasi-judicial matters is prohibited.

A. Miscellaneous

26. Request to set Executive Session for the City Council meeting of April 1, 2004, if needed, in the Harry E. Mitchell Government Center, Municipal Building, 3rd Floor Conference Room, 31 E. 5th Street.

COMMENTS: Agenda for Executive Session will be posted at least 24 hours prior to such meeting.

27. Request approval of the Report of Claims Paid to be Filed for Audit for the week(s) of February 1, 8, 15 & 22, 2004.

COMMENTS: A copy of the detailed claims report may be obtained by contacting the City Clerk's Office.

28. Request approval of a 90-day extension of the exclusive negotiations with College Avenue Advisors, L.L.C., for a site at the southeast corner of 5th Street and College Avenue.

COMMENTS: Armory Request for Proposals #03-072

DOCUMENT NAME: [20040325dsdnc01.pdf](#) **COMM DEV/REDEVELOPMENT ADM (0403-01)**

29. Request approval of Intergovernmental Agreements with the City of Phoenix for federal transit capital grants, design and construction of regional bus operations and maintenance facility, bus maintenance and pre-design of regional park-and-ride facility.

COMMENTS: Grant agreement AZ-90-X068 between the City of Phoenix and City of Tempe will provide Tempe with the following federal funds: \$2,708,916 (80% federal share) for design and construction of an Liquid Natural Gas (LNG) Station at the Regional Bus Operations and Maintenance Facility; \$218,240 (80% federal share) for associated capital maintenance and cost of contracting related to bus service; \$131,127 (80% federal share) for the pre-design costs of regional park and ride at the at the light rail station on Apache Blvd. and the Price Freeway. Grant agreement AZ-03-0043 will provide Tempe with \$1,032,862 in federal funds for design and construction of the Regional Bus Operations and Maintenance Facility – Phase 1.

DOCUMENT NAME: [20040325pwcdl01.pdf](#) **PUBLIC TRANSIT (1106)**

30. Request approval of Intergovernmental Agreement amendment with City of Phoenix for bus service.

COMMENTS: This five-year intergovernmental agreement is amended annually to reflect changes in operating costs and route mileage.

DOCUMENT NAME: [20040325pwcdl02.pdf](#) **PUBLIC TRANSIT (1106)**

31. Request approval to increase the contract amount with Archon, Inc., by \$24,000 for the Rio Salado Town Lake Marina Site Improvements Phase II.

COMMENTS: Increase is from \$3,909,542 to \$3,933,268.

DOCUMENT NAME: [20040325PWTG10.pdf](#) **RIO SALADO PARK (0706-32)**
PROJECT NO. 65-986855A

32. Request approval of addenda to professional services contracts for the Tempe Performing and Visual Arts Center with Architekton in the amount of \$275,000, and with Kitchell in the amount of \$70,213.

DOCUMENT NAME: [20040325PWDR14.pdf](#) **TEMPE VISUAL AND
PERFORMING ARTS CENTER (0109-19) PROJECT NO. 57-997005**

33. Request approval of an addendum to a professional services contract for the Water Utilities Department 2003 Water System Hydraulic Model Upgrade with Advantica in the amount of \$95,900.

DOCUMENT NAME: [20040325PWDR15.pdf](#) **WATER MANAGEMENT
ADMINISTRATION (0811-13) PROJECT NO. 3201023**

34. Request approval to execute an SRP Construction License Agreement for the College Avenue sewer line modifications.

COMMENTS: For an 8-foot sewer line crossing of the SRP-piped "George Ditch."

DOCUMENT NAME: [20040325PWTG07.pdf](#) **SALT RIVER PROJECT
LICENSE (0904-02) PROJECT NO. 3201191**

35. Request approval to utilize Maricopa County Contract #02037-C for the purchase of maintenance, repair, and operating supplies from Eco-Air, Home Depot and Lowes.

COMMENTS: Total cost for this contract shall not exceed \$60,000 annually.

DOCUMENT NAME: [20040325fslq01.pdf](#) **PURCHASES (1004-01)**

36. Request approval to increase the contract award amount with Courtsmart for a Digital Recording System by \$48,335 during the initial contract period.

COMMENTS: Increase is from \$113,190 to \$161,525.

DOCUMENT NAME: [20040325fsdl02.pdf](#) **PURCHASES (1004-01)
CONTRACT T03-076-01**

37. Request approval to increase the contract award amount with Ultimate Dive & Travel, LLC, for additional dive gear by \$20,000 during the initial contract period.

COMMENTS: Increase is from \$41,179 to \$61,179.

DOCUMENT NAME: [20040325fsdl03.pdf](#) **PURCHASES (1004-01)
CONTRACT T03-149-01**

38. Request approval to utilize U.S. Communities Master Agreement #41421 for a one-year contract with Office Depot for office supplies.

COMMENTS: Total cost for this contract shall not exceed \$300,000 during the initial contract period.

DOCUMENT NAME: [20040325fsdl08.pdf](#) **PURCHASES (1004-01)**

39. Request approval to utilize Western States Contracting Alliance Contract #90-00151 for a one-year contract for mini-computers, servers, hardware and software maintenance and support.

COMMENTS: Total cost of this contract shall not exceed \$550,000 during the initial contract period.

DOCUMENT NAME: [20040325fsts09.pdf](#) **PURCHASES (1004-01)**

- *40. This is a public hearing for the **denial** of a Series 12 Restaurant Liquor License for Dave's The Dog House, LLC, dba Dave's The Dog House, 130 E. University Drive.

COMMENTS: David H. Cheren, Agent

DOCUMENT NAME: [20040325LIQ2.pdf](#) **LIQ LIC (0210-02)**

- *41. This is a public hearing for the approval of a Series 12 Restaurant Liquor License for Tsunami Trading Inc., dba Boeatos Wrap Company, 6430 S. McClintock Drive.

COMMENTS: Gordon Snow, Agent

DOCUMENT NAME: [20040325LIQ4.pdf](#) **LIQ LIC (0210-02)**

- *42. This is a public hearing for the approval of a Series 7 Beer and Wine Bar Liquor License for Mulligan Investments, LLC, dba Pepperwood Golf Course, 647 W. Baseline Rd.

COMMENTS: Andrew Werner, Agent

DOCUMENT NAME: [20040325LIQ3.pdf](#) **LIQ LIC (0210-02)**

43. Request by Papago Park Center for a Preliminary and Final Subdivision Plat, consisting of one lot and one tract, located at 1005 West Washington Street.

COMMENTS: (Papago Park Center, Jayne Lewis, property owner) **#RRC04003 #SBD-2004.11** for a Preliminary and Final Subdivision Plat consisting of one (1) lot and one (1) tract on 58.56 net acres.

DOCUMENT NAME: [20040325dsd2k01.pdf](#) **PLANNED DEVELOPMENT (0406)**

44. Request by Elliot Estates for a Final Planned Area Development and Final Subdivision Plat located at 455 East Elliot Road.

COMMENTS: (Scott Homes, Greg Loper, property owner) **#SPD-2003.03** for a Final Planned Area Development (PAD) for Elliot Estates, consisting of 42 single family homes on 13.63 net acres; **#SBD-2003.04** for a Final Subdivision Plat for 42 lots and 5 tracts on 13.63 net acres.

DOCUMENT NAME: [20040325dsd2k02.pdf](#) **PLANNED DEVELOPMENT (0406)**

45. Request by Wells Fargo at Papago Hills for an Amended Final Subdivision Plat consisting of four (4) lots, located at 1116 West Washington Street.

COMMENTS: (Papago Park Center, property owner; SunState Builders, Developer) **#RRC04007 #SBD-2004.16** for a Final Subdivision Plat consisting of four (4) lots on 30.4 net acres.

DOCUMENT NAME: [20040325dsd2k05.pdf](#) **PLANNED DEVELOPMENT (0406)**

45a. Request by Wells Fargo for a 13th Amended Preliminary PAD for Papago Park Center

and a Final PAD for Wells Fargo, located at 1116 West Washington Street.

COMMENTS: (Salt River Project, property owner) #RRC03042 for the 13th Amended Preliminary PAD for Papago Park Center consisting of 6,721,157 s.f. on 295.46 net acres and a Final PAD for Wells Fargo consisting of a 211,471 s.f. three-story office building, and a 200,916 s.f. two-level parking structure.

DOCUMENT NAME: [20040325dsd2k06.pdf](#) **PLANNED DEVELOPMENT (0406)**

- 45b. Request by Papago Hills Retail Court for a 14th Amended Preliminary PAD for Papago Park Center and a Final PAD for Papago Hills Retail Court, located at 1058 West Washington Street.

COMMENTS: (Salt River Project, property owner) #RRC03057 #SPD-2003.104 for the 14th Amended Preliminary PAD for Papago Park Center consisting of 6,965,943 s.f. on 295.53 net acres and a Final PAD including site plan, landscape plan, and building elevations for Papago Hills Retail Court consisting of two single-story 12,236 s.f. buildings on 2.20 net acres.

DOCUMENT NAME: [20040325dsd2k07.pdf](#) **PLANNED DEVELOPMENT (0406)**

B. Award of Bids

46. Request to award a construction contract to PCL Civil Constructors, Inc. in the amount of \$807,043 (Base Bid), plus a contingency of \$50,000, for the Kyrene Booster Station and Pressure Zone Improvements.

DOCUMENT NAME: [20040325PWMG09.pdf](#) **KYRENE WATER RECLAMATION PLANT (0812-02) PROJECT NO. 3200051**

47. Request to award a construction contract to T&T Construction, Inc. in the amount of \$52,795 (Base Bid plus Contingency No. 1), plus a contingency of \$15,000, for the Gilbert Road Metering Station Improvements project.

DOCUMENT NAME: [20040325PWMG03.pdf](#) **WASTEWATER MANAGEMENT ADMIN. (0812-01) PROJECT NO. 3201011**

48. Request approval of a professional services contract with C. Williams Construction Engineering, Inc., in the amount of \$143,682 for construction management services for the Miller Road/Boardwalk Improvement District.

DOCUMENT NAME: [20040325PWTG06.pdf](#) **IMPROVEMENT (ASSESSMENT) DISTRICTS(0805-79) MILLER ROAD/BOARDWALK ID 179 PROJECT NO. 5101241**

49. Request to award a one-year contract with four (4) one-year renewal options to T.A. Caid Industries, Inc., for modular traffic signal poles.

COMMENTS: Total cost for this contract shall not exceed \$2,500,000, including applicable taxes, during the initial contract period.

DOCUMENT NAME: [20040325fslg04.pdf](#) **PURCHASES (1004-01) Bid #04-067**

50. Request to award a one-year contract with two (2) one-year renewal options to A-1 Locksmith & Security Center, Inc., for Corbin-Russwin hardware, installation, and service.

COMMENTS: Total cost for this contract shall not exceed \$400,000 during the initial contract period.

DOCUMENT NAME: [20040325fslq05.pdf](#) **PURCHASES (1004-01)** Bid #04-079

51. Request to award a sole source purchase to Cox Communications (Cox Media) for Transit's East Valley cable television advertising for fiscal year 2004/2005.

COMMENTS: Total cost for this contract shall not exceed \$71,000.

DOCUMENT NAME: [20040325fslq06.pdf](#) **PURCHASES (1004-01)** #04-097

52. Request to award a one-year contract with two (2) one-year renewal options for the inspection/maintenance of fire alarm/protection systems and chemical hood systems to RCI Systems, Inc. (for Groups 1, 1A, 3, 4, and 5), and a contract to American Fire Equipment (for Groups 2 and 5).

COMMENTS: Total cost for this contract shall not exceed \$200,000.

DOCUMENT NAME: [20040325fslq07.pdf](#) **PURCHASES (1004-01)**

53. Request to award a three-year contract with two (2) one-year renewal options to Metro Commercial Properties for light rail property management and leasing services.

COMMENTS: Total cost for this contract shall not exceed \$75,000 during the initial contract period.

DOCUMENT NAME: [20040325fslq10.pdf](#) **PURCHASES (1004-01)**

C. Ordinances and Items for Introduction

54. Set public hearings for **April 1 and April 15, 2004** to abandon a waterline easement at 2110 West Ikea Way.

DOCUMENT NAME: [20040325PWMG11.pdf](#) **EASEMENT ABANDONMENT (0901)** ORDINANCE NO. 2004.10

55. Set public hearings for **April 1 and April 15, 2004** to abandon two easements located at the ASU Foundation project area, 703 North College Avenue.

DOCUMENT NAME: [20040325PWMG12.pdf](#) **EASEMENT ABANDONMENT (0901)** ORDINANCE NO. 2004.11

56. Set public hearings for **April 1 and April 15, 2004** to abandon an easement for ingress/egress located within the proposed Playa del Norte, North Miller Road extension project area.

DOCUMENT NAME: [20040325PWMG13.pdf](#) EASEMENT ABANDONMENT
(0901) ORDINANCE NO. 2004.12

D. Ordinances and Items for First Hearing – These items will have two public hearings before final Council action.

- *57. This is the **first** public hearing to amend Chapter 23, Article III, relating to Park Rules.

COMMENTS: Amending Section 23-40 and repealing Section 23-48, and to amend Chapter 23, Article V, relating to Preserves, by amending Sections 23-110 and 23-111.

DOCUMENT NAME: [20040325cacc01.pdf](#) TCC CH 23 – PARK &
RECREATION (0502-23) Ordinance No. 2004.09

- *58. This is the **first** public hearing for a use permit for Desert Massage, Inc., located at 315 West Elliot Road.

COMMENTS: (K & E Partners, LLC, property owner, Jonathan Brovitz, business owner) #SGF-2004.10 for a use permit, including the following:

Use Permit:

Allow a 3,000 square feet massage therapy clinic in the PCC-1 Zoning District.

DOCUMENT NAME: [20040325dsht03.pdf](#) PLANNED DEVELOPMENT (0406)

- *59. This is the **first** public hearing for an Amended General and Final Plan of Development for Price Club Plaza I, for Costco Home located at 1345 West Elliot Road.

COMMENTS: (Centrepont Associates, property owner, Mulvanny G2 Architecture, applicant) #SGF-2004.12 for an Amended General Plan of Development for Price Club Plaza I, consisting of 442,815 s.f. on 39.62 net acres, and a Final Plan of Development for Costco Home consisting of 103,963 square feet on 7.45 net acres, in the PCC-2 Zoning District.

DOCUMENT NAME: [20040325dsd2k04.pdf](#) PLANNED DEVELOPMENT (0406)

E. Ordinances and Items for Second Hearing/Final Adoption

- *60. This is the **second** public hearing authorizing the execution of two encroachment/occupancy easements for the Arizona State University Foundation Project.

DOCUMENT NAME: [20040325dscm01.pdf](#) ASU FOUNDATION PROJECT
(0404-03-15) ORDINANCE NO. 2004.08

- *61. This is the **second** public hearing to authorize a lease for an ATM at 25 E. Fifth Street.

DOCUMENT NAME: [20040325PWMG02.pdf](#) REAL PROPERTY/RIGHT OF WAY
LEASE (TO OTHERS) (0903) ORDINANCE NO. 2004.05

- *62. This is the **second** public hearing to abandon a drainage easement located within

Papago Park Center.

COMMENTS: East of the intersection of Priest Drive and Washington Street.

DOCUMENT NAME: [20040325PWMG01.pdf](#) EASEMENT ABANDONMENT
(0901) ORDINANCE NO. 2004.07

F. Resolutions

6. **NON-CONSENT AGENDA**

Public hearing items on the non-consent agenda are designated by an asterisk (*).

**62a. This is a public hearing and a request for approval of a Resolution ordering work for the Miller Road Improvement District No. 179.*

DOCUMENT NAME: [20040325PWTG16.pdf](#) IMPROVEMENT (ASSESSMENT)
DISTRICTS (0805-79) RESOLUTION NO. 2004.17

63. Request to award a construction contract to Archon, Inc. in the amount of \$4,470,987 (Base Bid plus County Tax), and approve a construction contingency of \$235,000 for Miller Road Improvement District 179.

DOCUMENT NAME: [20040325PWMG08.pdf](#) MILLER ROAD I.D. 179 (0805-79) PROJECT NO. 5101241

7. **CURRENT EVENTS/COUNCIL ANNOUNCEMENTS**

8. **PUBLIC APPEARANCES**

According to the Arizona Open Meeting Law, the City Council may only discuss matters listed on the City Council agenda. Matters brought up by the public under public appearances that are not agendaized can not be discussed by the City Council. There is a five-minute limit per citizen. Speaker's visual aids or recorded audio tapes will not be allowed during formal meetings. Citizens attending Council meetings should refrain from making personal, impertinent and slanderous remarks or becoming boisterous while addressing the Council or while attending the Council meeting. Unauthorized remarks from the audience, stomping of feet, yelling and similar demonstrations are also not permitted. Violations of these rules may result in removal from the City Council meeting.

- *Kenneth Volk, 1200 N. 6th Street, Tempe - Landlord Registration/Request for Council Action (SB 1234)*
- *Jim Hays, 2057 E. Alameda, Tempe - Landlord Registration/Request for Council Action (SB 1234)*